

**REMARKS**

The Office Action rejects claims 1, 2 and 8-50 under 35 U.S.C. §103 over Clark (US Pat 5,890,140) and Rogge (US Pat 5,500,890) in view of Edwards (US Publication 2001/0037319). This rejection is respectfully traversed.

The Office Action asserts that the system of Clark includes first and second networks, referring to the abstract and Fig. 1. On page 3 of the Office Action, it is stated that Clark fails to disclose that the clients' software includes instructions for forwarding data to the gateway computer, the second network, and asserts that Rogge discloses a second network, a virtual network and network software or NCD software, and it would have been obvious modified the electronic delivery of Clark by including a second network, a network software, and NCD software, because such modification would provide an electronic delivery system with a high degree of access control for improved security. However, it is respectfully submitted that the systems of Rogge and Clark are incompatible with each other, as further described below.

The system shown in Fig. 1 of Clark does not include two networks, but instead includes a global telecommunications network GTN 13, 13'. The GTN is a private X.25 packet switch data network using permanent or switched virtual circuits as an end-to-end control mechanism through the network. See column 4, lines 50-67. Thus, the network of Clark is a private network which connects customer facilities 12 to the on-line transaction processors 14. In contrast, the system shown in Fig. 1 of Rogge includes virtual network 34, which is typically provided by an interexchange carrier such as Sprint. The virtual network interfaces with the point of presence 32 and network interface 33, allowing connections to be quickly made between the FEP/host 29 and controller 24. The system uses modem 28 which goes off-hook to initiate a call. The signaling equipment in the POP 32 detects this off-hook condition, with the computer system in the virtual network 34 knowing the effective address or identification of the caller. Because of the connection through the DAL 30, the caller is considered "on-net" such as to be positively identified by the virtual network 34. An address or identification look-up from a computer database in the virtual network is then performed to determine where the call is to be placed.

It is respectfully submitted that such a virtual network as disclosed in Rogge is completely incompatible with the private X.25 packet switch data network of Clark. The private network of Clark already includes connections made by its network to connect the customer

facilities 12 to the on-line transaction processors 14, and it is respectfully submitted that one of skill in the art would never combine these systems. The Examiner speculates that adding modifying the electronic delivery of Clark by including a second network and network software “would provide an electronic delivery system with improved security with a high degree of access control for improved security.” The Examiner fails to explain how modifying the private X.25 network of Clark by adding in elements controlled by a third party, such as Sprint, would provide improved security. It is instead submitted that one of skill in the art would not make such a modification to the private X.25 network, to add elements controlled by a third party, as such may have the opposite effect, giving less security to the private network. Accordingly, the Examiner's combination of references can only be made with hindsight consideration of the present application.

In the final Rejection, the Examiner disagrees with the argument that the private X.25 packet switch data network is completely incompatible with the virtual network of Rogue because “in order for two networks to communicate to each other, network configuration or packet switch must be accomplished or compatible.” However, the Examiner fails to explain why one of ordinary skill would make the asserted modification other than the generalized statement that it would provide improved security. There is no explanation of how the modification would provide improved security. Further, the Examiner ignores the fact that the global telecommunications network of Clark is a proprietary, global connecting medium using a private X.25 packet switch data network. The private network of Clark is specifically designed to enable secure financial transactions and to remain private. The Examiner is apparently suggesting that it would have been obvious to insert in the middle of the private secure system of Clark items controlled by a third party, including a point-of-presence 32, a network interface 33 being handled over a virtual network 34 provided by an inter-exchange carrier such as Sprint. It is requested that the Examiner explain how adding these elements to the private system of Clark would “improve security”. It is again asserted that one of skill in the art would not make such a modification to add elements controlled by a third party to the private secure X.25 packet switch data network of Clark.

Further, as repeatedly asserted by Applicants, the cited references do not disclose or suggest the data recipient computer having web server software for hosting a web page, as

recited in claim 1. The Examiner cites to Clark's abstract and Fig. 1 to support this feature, but neither disclose or suggest such web server software for hosting a web page. The Examiner now cites to Fig. 29, and col. 26, lines 5-65, specifically workstations 5-65. Applicants see no disclosure in these sections either of web server software for hosting a web page, as recited in claim 1. If the Examiner disagrees, he is requested to specifically point out where such web server software is disclosed for hosting a web page.

Moreover, claim 1 recites at least one data recipient computer having client software that includes instructions for forwarding a data recipient's offer to the at least one data repository via the gateway computer, the second network and the NCD software. It is submitted that these features are not disclosed in the cited references. The Office Action admits that these features are not disclosed or suggested in Clark or Rogge. However, the Office Action asserts that Edwards discloses a system that assists negotiations between a buyer and a seller, where the seller sends an offer to the content brokering system addressed to the buyer as a private message and that the offer may sample contents so that the buyer can determine if the content is what is wanted. Further, the Office Action asserts it would have been obvious to one of ordinary skill in the art to modify the teachings of Clark and Rogge by including the limitation detailed above as taught by Edwards because this would prevent against unauthorized use of the sample in the offer. It is respectfully submitted that the content brokering system of Edwards is incompatible with the electronic delivery system integrating global financial services of the primary Clark reference. For example, the Clark reference uses cash management business messages, securities business messages, and trade business messages, as shown in Tables 1-3. This system in no way discloses anything to do with a brokering system that could be used to send offers. It is submitted that one of skill in the art would not combine the offers with the system of Clark as suggested.

Further, it is submitted that the Examiner has failed to identify anything in the cited references that would act as a gateway computer as recited in the claims. As explained above, the primary system of Clark utilizes the private X.25 packet switch data network. It does not utilize a gateway computer. Further, it is submitted that one of skill in the art would not modify Clark to use such a gateway computer in such a private network. For at least the above reasons, it is submitted that claims 1, 2 and 8-50 are allowable over the cited references.

The Office Action rejects claims 3-5 and 6-7 under 35 U.S.C. §103 over Clark, Rogge, Edwards and further in view of Official Notice. These claims are allowable, based on their dependency from claim 1, for the reasons discussed above concerning claim 1, since the Official Notice does not solve the above-noted deficiencies. Withdrawal of the rejection is requested.

The Office Action rejects claims 129-148 under 35 U.S.C. §103 over Clark in view of Edwards. Claims 129-148 recite a first network coupled to a second network by a gateway. A request for an offer is received at a data recipient computer connected to the first network, and the offer and a data file are sent from the data recipient computer to the data subject network communications device. The offer and a message from the data subject network are received at the data repository connected to the first network and in response to the offer, an identity of the data subject is determined based on the message. As explained above concerning claim 1, there would be no motivation to combine the virtual network of Rogge with the private network of Clark. Further, the Office Action asserts that Edwards discloses a content brokering system that assists negotiations between a buyer and a seller through a financial function, where the seller sends an offer to the content brokering system addressed to the buyer as a private message that is forwarded by the content brokering system. The proposal may include a sample of the content so that the buyer can determine if the content is what is wanted.


The Examiner apparently believes that the sample of the content will somehow determine the identify of a data subject based on the message. However, it is respectfully asserted that Edwards does not disclose or suggest determining the identity of the data subject. Sampling a content of a private offer that is offered for sale has nothing whatsoever to do with determining the identity of the data subject that sends the offer. Accordingly, it is respectfully submitted that this feature is also not disclosed or suggested in any of the references. Accordingly, claims 129 and 140, and all claims dependent therefrom, would not have been obvious over the cited references.

For at least the above reasons, it is submitted that the application is in condition for allowance. The Examiner is invited to contact the undersigned at the telephone number listed below should he have any questions concerning this matter.

The Office is hereby authorized to charge any additional fees under 37 C.F.R. §1.16 or §1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

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